

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: April 13-14, 2005

Reference No.: 2.8e  
Action Item

From: CINDY McKIM  
Chief Financial Officer

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Mass Transportation

Ref: **REQUEST TO EXTEND THE PERIOD OF PROJECT REIMBURSEMENT PER  
RESOLUTION G-03-19, STATE TRANSPORTATION IMPROVEMENT PROGRAM  
GUIDELINES  
WAIVER-05-10**

## **ISSUE**

The California Transportation Commission (Commission) allocated State funds totaling \$1,147,000 on June 26, 2003, under Resolution MFP-02-22, to the San Francisco Bay Area Rapid Transit District for the Right of Way phase of the BART - Oakland Airport Connector project. The attachment describes the delays that have resulted in the extension request.

## **RECOMMENDATION**

The Department of Transportation recommends approval of this time extension request.

## **BACKGROUND**

Resolution G-03-19, State Transportation Improvement Program (STIP) Guidelines, adopted by the Commission on December 11, 2003, stipulates that funds allocated for project development or right of way components of local grant projects are available for expenditure only until the end of the second fiscal year after the year of allocation. The Guidelines further stipulate that the Commission may approve waivers to the timely use of funds deadline one time only for up to 20 months.

Attachment

Time Extension/Waiver – Project Reimbursement Deadline  
 Mass Transportation Project

Project #	Applicant County	Extension Amount By Component PA&ED PS&E R/W CON TOTAL	Number of Months Requested  Extended Deadline  CT Recommendation
1	San Francisco Bay Area Rapid Transit District Alameda County  PPNO: 04-2103 BART-Oakland Airport Connector	\$0 \$0 \$1,147,000 \$0 <b>\$1,147,000</b>	20 months  2/28/2007  Support
<p>Right of Way acquisition for this project has been delayed for several reasons. First, after many months of negotiating with property owners, negotiations have reached an impasse, and imminent domain action has become necessary. And second, because the federalized STIP funds were transferred to the Federal Transit Administration for administration, a separate R/W review had to be undertaken in order to obtain Federal Transit Administration approval for R/W acquisitions.</p>			